

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ONLY AL-KHIDHR

PLAINTIFF

CIVIL ACTION NO.: 1:07cv1223LG-RHW

VERSUS

**HARRISON COUNTY, MISSISSIPPI BY AND
THROUGH ITS BOARD OF SUPERVISORS;
HARRISON COUNTY SHERIFF GEORGE PAYNE,
IN HIS OFFICIAL CAPACITY;
SUPERVISOR OF BOOKING CAPTAIN RICK GASTON,
acting under color of state law, CORRECTIONS OFFICER
SERGEANT RYAN TEEL, acting under color of state law,
CORRECTIONS OFFICER MORGAN THOMPSON,
acting under color of state law, CORRECTIONS OFFICER
THOMAS MOORE, acting under color of state law.**

DEFENDANTS

MOTION TO COMPEL

_____ COMES now Defendants Teel, Thompson and Gaston, by and through their undersigned counsel, and move to compel Plaintiff to respond to Defendant Teel, Thompson and Gaston's interrogatories and requests for production of documents propounded to Plaintiff in the above styled cause and would show as follows:

1. Defendants Teel, Thomspson and Gaston propounded interrogatories [88] and requests for production of documents [89] to the Plaintiff in the above styled cause on or about October 29, 2008.
2. Plaintiff's current counsel, Alvin Chase, made a notice of appearance [139] on or about June 16, 2009.
3. Defendants Teel, Thompson and Gaston have made four (4) attempts, by way of letter, to Alvin Chase requesting that Plaintiff respond to Defendants Teel,

Thompson and Gaston's interrogatories and requests for production of documents propounded to Plaintiff. (See Exhibit "A" - June 26, 2009 letter to Alvin Chase; See Exhibit "B" - July 20, 2009 letter to Alvin Chase; See Exhibit "C" - August 5, 2009 letter to Alvin Chase.

4. On or about August 25, 2009, Plaintiff, through their counsel Alvin Chase, faxed incomplete interrogatory responses to Defendants Teel, Thompson and Gaston's undersigned counsel. Plaintiff failed to provide any responses to Defendants Teel, Thompson and Gaston's requests for production of documents. (See Exhibit D, E, F and G - Plaintiff's incomplete interrogatory responses).
5. Plaintiff, through his counsel, advised that complete responses would be provided to Defendants Teel, Thompson and Gaston stating, "I'll supplement this response this week." (See Exhibit "D")
6. Defendants Gaston, Teel and Thompson, through their undersigned counsel, sent Plaintiff a letter dated August 31, 2009, requesting that Plaintiff submit his interrogatories "under oath" as required by the Federal Rules of Civil Procedure and supplement his incomplete responses to Defendants Gatson, Teel and Thompson's interrogatories. Further, Plaintiff failed to answer interrogatories 9,11-28. (See Exhibit "H" - August 31, 2009 letter to Alvin Chase).
7. Last week, Defendants Gaston, Teel and Thomspson, by and through their undersigned counsel, faxed a "Good Faith Certificate" requesting opposing counsel to state whether or not he would oppose a "Motion to Compel" regarding the above.

8. To date, Defendants Teel, Thompson and Gaston have not received a supplemented response to Plaintiff's incomplete interrogatory responses, have not received any responses to their requests for production of documents, and have not received a response from opposing counsel regarding the "Good Faith Certificate" that was faxed to opposing counsel last week.
9. The discovery deadline is October 16, 2009 in the above styled cause. The undersigned desires to take Plaintiff's deposition, but cannot do so until such time as Plaintiff responds to Defendants Gaston, Teel and Thompson's discovery requests.
10. The undersigned requests the filing of a separate memorandum in support of motion, as required by the Local Rules, be waived and not required by the Court.

WHEREFORE, premises considered, Defendants Teel, Thompson and Gaston requests that the Court Order Plaintiff to provide complete responses to interrogatories 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and provides responses to Defendants Gaston, Teel and Thompson's requests for production of documents.

RESPECTFULLY SUBMITTED this 14th day of September, 2009.

MORGAN THOMPSON, RYAN TEEL,
RICK GASTON, Defendant

BY: /s/ IAN A. BRENDEL
JAMES L. DAVIS, III
IAN A. BRENDEL
Attorneys for Defendants

CERTIFICATE OF SERVICE

I, IAN A. BRENDEL, attorney at law, do hereby certify that I have this day electronically filed the foregoing *MOTION FOR PROTECTIVE ORDER* with the Clerk of the Court using the ECF filing system, and the same has been electronically transmitted to:

Alvin Chase
P. O. Box 7119
D'Iberville, MS 39540

Karen Young
P.O. Box 1076
Gulfport, MS 39502

Cy Faneca
P.O. Drawer W
Gulfport, MS 39502

THIS the 14th day of September, 2009.

/s/ IAN A. BRENDEL
IAN A. BRENDEL

JAMES L. DAVIS, III, MS Bar # 5380
IAN A BRENDEL, MS Bar # 102659
Attorneys at Law
1904 – 24th Avenue
P. O. Box 1839
Gulfport, MS 39502
Ph: 228/864-1588
Fx: 228/863-5008